

The third question of Fatwa no. 4497

**Q 3: Why does Islam grant only the husband the right to initiate Talaq (divorce pronounced by a husband)? What is the ruling if the husband's company is unbearable? How can we say that Islam treats both men and women equally?**

**A: Firstly:** Allah grants the husband alone the right to initiate Talaq due to many important reasons, such as; (i) The husband's wisdom, strong will, understanding, and insight being more than the wife's. (ii) The husband is the one who provides for the family, manages its affairs and takes decisions. He is the main pillar and head of the household. (iii) The husband is obligated to pay the Mahr (mandatory gift to a bride from her groom) and that is why divorce is in his hand. Had it been in the woman's hand, a woman may marry someone to take the Mahr and divorce him to marry another, and so on. This is not proper and Allah warns Muslims against this when He says:

**Men are the protectors and maintainers of women, because Allâh has made one of them to excel the other, and because they spend (to support them) from their means.**

**Secondly:** When the husband's company is unbearable, the matter is to be referred to the courts.

**Thirdly:** Allah favors men with some rulings and favors women with some rulings, and both of them share some rulings, and the mutual reference is the Shari`ah (Islamic law).

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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